THE HON'BLE SRI JUSTICE E.DHARMA RAO

WRIT PETITION NO.17152 OF 2005

O R D E R:

This writ petition is filed for declaring the action of respondents in demolishing the shop of the petitioner under the name and style of Amara Veeraiah Cloth Show Room, Siddipet, in the premises bearing No.7-1-116, Main Road, Siddipet, Medak District as arbitrary, illegal and contrary to the provisions of the Andhra Pradesh Municipalities Act, 1965 and Rules made thereunder and also for a consequential direction to the respondents not to demolish the shop of the petitioner consisting of ground floor and first floor.

It is the case of petitioner that he is the absolute owner of the premises bearing No.7-1-116 (Old No.7-1-102) situated at Main Road, Siddipet, Medak District, consisting of ground floor and first floor having purchased the same under a registered sale deed and is doing the business in cloth. On a decision taken by the Municipality to expand Siddipet Main Road from the existing 24' to that of 40' width by taking 8' on either side of the road, a marking was made to all the buildings that were proposed for demolition on both sides of the main road, which is passing from East to West direction. The shop of the petitioner is situated on the left side of the road and on the right side of his shop, Abdullah Complex of one Aitha Kedarinath, Councellor, Siddipet Municipality is situated, for which, no expansion was made. It is also the case of the petitioner that as per the earlier marking given by the first respondent Municipality, the petitioner voluntarily demolished the structure by foregoing 12' and reduced the area of the shop to that of 11'x18' both on the ground floor as well as the first floor. Thus, the entire shop of the petitioner was reduced to half of its original length. It is also the case of the petitioner that in order to save Abdullah Complex,

the Municipality is taking steps to further expand the road on the right side of the road in an arbitrary manner and threatening to demolish the existing structure. In spite of several representations made by the petitioner, no action was taken by the respondent authorities. Hence, this writ petition is filed.

As no counter is filed, I deem it appropriate to direct the respondents not to demolish “Amara Veraiah Cloth Show Room” of the petitioner bearing No.7-1-116, situated at Siddipet, Medak District, Main Road, without following the due process of law.

The writ petition is accordingly disposed of. No costs.

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E.DHARMA RAO J.,

Dt.03.08.2005

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